

Chairman and members of the committee:

My name is Tom Stockton and I reside in Helena, Montana. I am representing my son, Tyler Stockton who is a Lance Corporal in the Marine Corp and has recently returned from Iraq and will be returning to Iraq during the next election. I am a proponent to SB 374.

I would like to thank Senator Cooney for bringing this bill forward regarding members of the United States Armed Forces who are stationed overseas in regards to their absentee ballots. The reason I have asked Senator Cooney to bring this before you today was the situation that occurred while my son was stationed in Iraq. Prior to my son's pre-deployment he was required to write a will and give someone the Power of Attorney of his affairs while he was deployed overseas. The military told him that whoever he gave his Power of Attorney to would have the authority to get his absentee ballot.

My son knew the election was going to occur while he was stationed in Iraq, so while he was home in Helena on his pre-deployment leave in June he went to the election office and filled out the proper paper work to receive an absentee ballot, thinking that signing up for the permanent absentee ballot would guarantee the delivery of his ballot in a timely fashion. With the new law that went into effect on January 1, 2006 for permanent absentee ballots, on page 2 line 7, it states that the election administrator would mail an address confirmation form 75 days before the election. Both my son and I filled out the proper paperwork for an absentee ballot knowing that this address confirmation form would be coming and assumed that since my son gave me the Power of Attorney to handle his personal affairs and he also assumed the latter; we thought he would receive his ballot well before the election. So when the forms came, I did not immediately fill out the form thinking that no problems would occur because I had my son's POA. I waited about three or more weeks to fill out the forms and personally took them to the election office, well before the date the election office would send out the absentee ballots. That was when I was informed that the election administrator would not accept my Power of Attorney for my son because Montana law does not provide this special exception for the U.S. Armed Forces.

I then quickly mailed out the absentee ballot address confirmation form to my son knowing that our time was short because of the mail situation in the remote area my son was stationed in Iraq. The address confirmation form took 5 weeks to reach him. When he finally received this form he signed it and immediately mailed the form back. It took another 2 weeks for the form to arrive in the Helena elections office. The election office promptly delivered the absentee ballot to the Post Office the same day because they knew about Tyler's situation and didn't want to lose one more day in processing his ballot. I was informed by the election office and the U.S. mail service that they would guarantee his absentee ballot would reach Iraq in 3 days. This works great when you are stationed at a main base like Fallujah, but when you are stationed at an Observation Post base of an Outpost base of the main base where the armed forces only receive mail once a week and even if it did come in a timely fashion, the men who patrol on the front line are sometimes out in the field for three weeks before they come back to their base to receive

their mail. Anyway the system did not work and it took about another 2 weeks for the ballot to arrive. My son called his mother on her cell phone the day of the election which was November 8th for him in Iraq. She asked him if he received his ballot yet. Tyler informed her that he did at 2:00 AM on November 8. Knowing that his vote would not count he still proceeded to vote his ballot anyway and mailed it that same day just to make himself feel that he had the freedom to vote. The election office received his ballot on November 21, 2006. The ballot envelope was post marked November 11, 2006.

My son was totally disenfranchised with the process and with the additional paperwork that this new law created for the U.S. Armed Forces in the delivery of his absentee ballot and he was very upset knowing that his vote did not count especially since he thought he had filled out all the proper paperwork prior to his deployment to obtain an absentee ballot and his POA. It came to my wife's and I attention that this same situation probably has happened to other U.S. Armed Forces in our state and we decided to embark on a method to remedy this, so that is why this bill is in front of you today. As you recall, there was one race in 2004 and two races in 2006 that were so close that one additional vote would swing the election to the other candidate and to the other political party which would determine which party would have control of the respective legislative chambers. Just a reminder, one vote does make a difference!

We, my son and I are asking the committee today to support SB 374 because the U.S. Armed Forces are the ones who go way beyond their call of duty to protect our country and our freedom to vote. They should be able to exercise that freedom just as well as anyone else in this county.

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